

**SPECIAL SERVICE DISTRICTS - SERVICE
EXPANSION**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill amends special service district provisions to expand the list of services that special service districts are authorized to provide.

Highlighted Provisions:

This bill:

► adds economic development as one of the services that special service districts are authorized to provide.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17A-2-1304, as last amended by Chapters 131 and 277, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17A-2-1304** is amended to read:

17A-2-1304. Establishing special service districts -- Improvement districts within special service districts.

(1) (a) A county or a municipality may establish a special service district for the



purpose of providing within the area of the special service district any of the following services or any combination of them:

- (i) water;
- (ii) sewerage;
- (iii) drainage;
- (iv) flood control;
- (v) garbage;
- (vi) health care;
- (vii) transportation;
- (viii) recreation;
- (ix) fire protection and, if fire protection services are provided, emergency medical or ambulance or both;

(x) in a county of the first class, providing, operating, and maintaining jail facilities for the confinement of municipal, state, and other detainees and prisoners;

(xi) street lighting;

(xii) consolidated 911 and emergency dispatch; [~~and~~]

(xiii) animal shelter and control[:]; and

(xiv) §→ receiving federal mineral lease funds under Title 59, Chapter 21, Mineral

Lease Funds, and expending those funds, on ←§ economic development §→ activities ←§ .

(b) Snow removal services may be provided in special service districts established under this section to more effectively carry out the purposes of those special service districts.

(c) These services may be provided through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift, or condemnation or any combination of the above.

(d) Special service districts may contract with a franchised, certificated public utility for the construction and operation of an electrical service distribution system within the special service district.

(2) (a) The area within any special service district may include all or any part of the county or municipality that established it except that:

(i) a special service district may not include the area of any other special service district established by the same county or municipality that is now providing the same service proposed to be supplied by the new special service district;

(ii) a special service district established by a county may contain all or a part of any municipality or of an existing improvement district that provides the same service proposed to be provided by the special service district, but only with the consent of the governing authority as provided in a resolution or ordinance adopted by the governing authority; and

(iii) a special service district may not include any area not directly benefitted by the services provided under this section without the consent of the nonbenefitted landowner.

(b) All parts of a special service district need not be contiguous.

(3) (a) As provided in Section 17A-2-1315, the governing authority of any special service district created under this part may create one or more improvement districts within the boundaries of the special service district by following the procedures in, and meeting the requirements of, Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah Municipal Improvement District Act.

(b) The intent to create an improvement district need not be present at the time a special service district is organized.

(c) Any improvement district created within the boundaries of a special service district may only be organized to undertake projects or improvements for which the special service district creating that improvement district was organized.

(d) The special service district shall meet all procedural requirements for creating an improvement district at the time the improvement district is created, as provided in Section 17A-2-1315 and in Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah Municipal Improvement District Act.

(e) In determining whether or not a project or improvement undertaken by an improvement district is within the scope of the purposes for which the special service district creating that improvement district was organized, any project or improvement reasonably related to the purposes for which the special service district creating that improvement district was organized is considered to be within the scope of those purposes.

(4) The creation of a special service district to provide jail services as provided in Subsection (1)(a)(x) does not affect the ability of a municipality under Section 10-8-58 to provide, operate, and maintain facilities for the temporary incarceration, not to exceed 72 hours, of persons charged with the violation of a municipal ordinance.

Legislative Review Note

as of 11-27-04 2:29 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Special Service Districts - Service Expansion***14-Jan-05***Bill Number SB0080***2:46 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst